

MOTION GRANTED.


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TENNESSEE CONFERENCE of the NATIONAL ASSOCIATION for the ADVANCEMENT of COLORED PEOPLE, on behalf of itself and its members, et al.,

Plaintiffs,

v.

WILLIAM LEE, in his official capacity as Governor of the State of Tennessee, et al.,

Defendants.

Civil No. 3:20-cv-01039

JUDGE CAMPBELL
MAGISTRATE JUDGE
FRENSLEY

[Class Certification Pending]

JOINT MOTION TO AMEND THE SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16(b)(4), the parties respectfully move this Court for entry of this proposed Second Amended Scheduling Order.

1. Counsel for the parties have conferred and agreed to the terms of the changes to the first amended scheduling order.
2. The earliest deadline impacted by the change is the deadline to add or amend parties, currently set at January 16, 2023, at least seven days after the filing of this motion.
3. The proposed amended order moves all deadlines back by four weeks except the targeted trial date.
4. The targeted trial date remains unchanged. A complete amended scheduling order is as follows and includes all dates and deadlines, even unaffected deadlines:

DISCLOSURE AND DEPOSITIONS OF EXPERTS: Plaintiffs shall identify and disclose all expert witnesses and expert reports on or before **February 13, 2023** (originally January 16,

2023). Defendants shall identify and disclose all expert witnesses and reports on or before **March 13, 2023** (originally February 13, 2023). Plaintiff shall file a rebuttal report by **April 3, 2023** (originally March 6, 2023). Expert depositions shall be completed by **May 1, 2023** (originally April 3, 2023).

DISCOVERY: The parties shall complete all written fact discovery and depose all fact witnesses on or before **April 28, 2023** (originally March 31, 2023).

Written discovery should proceed promptly (unless otherwise provided for herein) and shall be served by no later than **March 29, 2023** (originally March 1, 2023). All discovery motions shall be filed by no later than **May 8, 2023** (originally April 7, 2023).

CASE RESOLUTION PLAN AND JOINT STATUS REPORTS: By **May 12, 2023** (originally April 14, 2023), the parties shall submit a joint report confirming that the parties made a good faith attempt to resolve the case.

DISPOSITIVE MOTIONS: As provided above, the parties must attempt to resolve the case prior to the filing of dispositive motions. Dispositive motions shall be filed by no later than **May 29, 2023** (originally May 1, 2023). Responses to dispositive motions shall be filed within 21 days after the filing of the motion.

ESTIMATED TRIAL TIME AND TARGET TRIAL DATE: The Bench trial of this action is expected to last approximately 7 days. A trial date no earlier than **October 9, 2023**, is respectfully requested.

5. The extension will still conform to the requirements of Local Rule 16.01(h)(1) that no dispositive motion deadline shall be later than 90 days in advance of the trial date.

6. Good cause exists to modify the deadlines, as required by Fed. R. Civ. P. 16(b)(4), because Plaintiffs have not yet received production of documents necessary to complete expert

reporting. On October 13, 2022, Plaintiffs served a third-party subpoena on the commissioner of the Department of Human Services (DHS) for documents sufficient to determine whether certain individuals are current on child support, a pre-requisite to voting rights restoration via Certificate of Restoration. DHS is represented by the Tennessee Attorney General's office which is also Defendants' Counsel in this case. Defendants' Counsel is working with DHS on a response and expects to be able to produce the documents by January 20, 2023. Plaintiff's and Defendant's Counsel have conferred and come to an agreement on which documents will adequately fulfill the subpoena and on the details of this amended scheduling order.

Dated: January 6, 2023

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on January 6, 20232 via the Court's electronic filing system on the following:

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